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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,372	04/08/2004	Hassan Asadi	4452-639	7627
27799	7590	07/19/2006	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				WILLIAMS, THOMAS J
ART UNIT		PAPER NUMBER		
		3683		

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

}

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/820,372	ASADI ET AL.	
	Examiner Thomas J. Williams	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 3-8 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 May 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Acknowledgment is made in the receipt of the amendment filed May 26, 2006.
2. The drawings were received on May 26, 2006. These drawings are accepted.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,454,455 to Kundmuller et al.

Re-claim 1, Kundmuller et al. disclose a piston cylinder assembly comprising : a cylinder 3 having a central axis Ax, the cylinder is fitted with a piston rod guide 11 and has an inner wall with a radially inward extending projection 25 adjacent to the piston rod guide on one side of the axis Ax; a piston rod 7 and a piston (interpreted as the plate like elements on either side of element 9, see figure below, this is consistent with instant figure 2) move along the axis, the piston has an outer diameter and carries a piston seal 17 (the piston is interpreted as supporting the seal and thus carries the seal, this appears consistent with the embodiment of instant figure 2) the seal 17 is in contact with the inner wall of the cylinder, the piston seal has an outer diameter, the piston and the piston seal divide the cylinder into a working space 30a on the piston rod side and a working space 30b away from the piston rod, the space is filled with a working medium; a stop disk 9a is mounted on the piston rod 7 axially adjacent the piston, the stop disk has an outer diameter greater than the outer diameter of the piston (see figure below), but smaller than the

outer diameter of the piston seal 17 (see column 6 lines 50-55), whereby the stop disk rests against the projection and the piston rod is tilted with respect to the axis such that working medium can escape around the piston during a fire, see figure 5.

It is noted that the instant invention defines the piston as being the plate like elements on either side of element 11. As such the interpretation of the prior art appear appropriate.

Re-claim 3, the stop disk is a component of a piston valve.

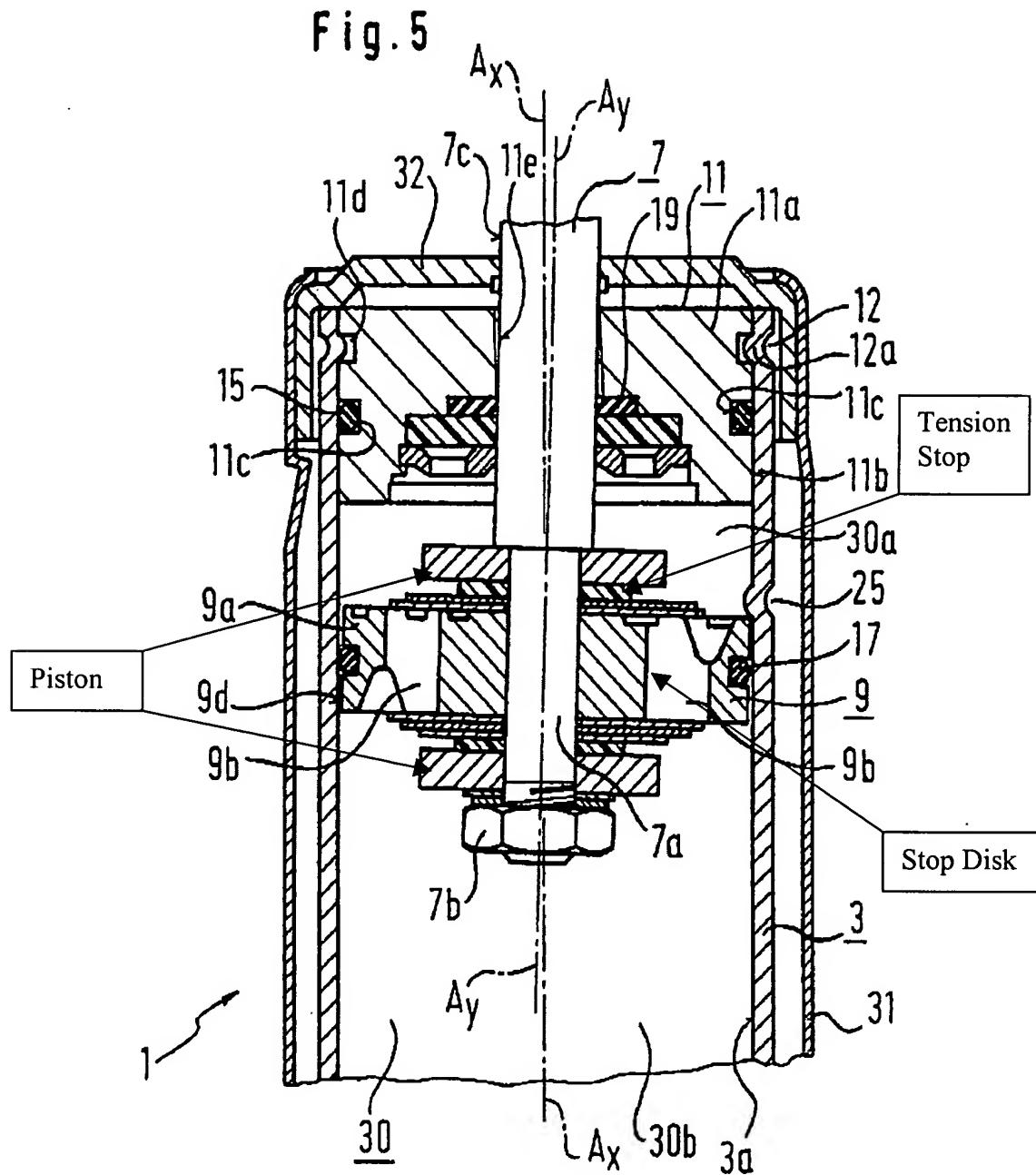
Re-claim 4, a tension stop is located between the stop disk and the piston guide assembly.

Re-claim 5, the tension stop is an elastomeric material.

Re-claim 6, the stop disk is spaced from the piston, the stop disk and the piston do not occupy the same space and are therefore spaced from one another.

Re-claim 7, a compensating space is filled with pressurized gas and is separated from the working space by a moveable piston 23.

Re-claim 8, the stop disk is designed to survive a fire, as it is indicated as being a metallic material.



*Allowable Subject Matter*

5. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

6. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection. It is noted that the stop disk of the instant invention is located between the piston rod guide and the piston. The recitation of this feature would distinguish over Kundmuller et al.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Tuesday from 1:00 PM to 7:00 PM and Wednesday-Friday from 6:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan, can be reached at 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

**THOMAS J. WILLIAMS  
PRIMARY EXAMINER**

TJW

July 13, 2006

*Thomas Williams*  
AU 3683  
7-13-06



Replacement Sheet ]

Approved  
P1 Ex. TAN  
P1 7-17-06

Fig.1

